

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE:- There is one Extraordinary issue to the Official Gazette, Series I No. 10 dated 5-6-97, namely, Extraordinary dated 5-6-97 from pages 145 to 148 regarding Notification from Department of Science, Technology and Environment.

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10/5/96/LA-Vol. II

The Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Act, 1996 (Central Act 23 of 1996) which has been passed by the Parliament and assented to by the President of India on 13th August, 1996 and published in the Gazette of India Extraordinary, Part II section I dated 14th August, 1996 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 21st April 1997.

THE COAL MINES PROVIDENT FUND AND MISCELLANEOUS PROVISIONS (AMENDMENT) ACT, 1996

AN

ACT

further to amend the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of long title of Act 46 of 1948.*— In the long title to the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (hereinafter referred to as the principal Act), for the words "Family Pension Scheme", the words "Pension Scheme" shall be substituted.

3. *Amendment of section 2.*— In section 2 of the principal Act,—

(a) clause (ee) shall be omitted;

(b) after clause (g), the following clauses shall be inserted, namely:—

'(h) "Pension Fund" means the Pension Fund established under sub-section (2) of section 3E;

(i) "Pension Scheme" means the Coal Mines Pension Scheme framed under sub-section (1) of section 3E;

(j) "superannuation", in relation to an employee who is a member of the Pension Scheme, means the attainment, by the said employee, of such age as is fixed in the contract or conditions of service as the age on the attainment of which such employee shall vacate the employment.'

4. *Substitution of references to certain expressions by certain other expressions.*— In the principal Act, for the expressions "Family Pension", "Family Pension Fund", "Family Pension Scheme" and "Coal Mines Family Pension Scheme", wherever they occur, the expressions "Pension", "Pension Fund", "Pension Scheme" and "Coal Mines Pension Scheme" shall respectively be substituted.

5. *Substitution of new section for section 3E.*— For section 3E of the principal Act, the following section shall be substituted, namely:—

"3E. *Coal Mines Pension Scheme.*— (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Pension Scheme for the purpose of providing for—

(a) superannuation pension, retiring pension or permanent total disablement pension to the persons employed in any coal mines or class of coal mines to which this Act applies; and

(b) widow or widower pension, children pension or orphan pension and life assurance benefits, payable to the beneficiaries of such employees.

(2) Notwithstanding anything contained in section 3, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme,—

(a) such sums, not exceeding one-fourth, of the amount payable to the Fund under sub-section (1) of section 10D as the employer's contribution as well as the employee's contribution, as may be specified in the Pension Scheme;

(b) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, specify;

(c) the net assets of the Family Pension Fund as existed immediately before the establishment of the Pension Fund; and

(d) any other contribution which may be made to the Pension Fund with previous approval of the Central Government.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in, and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits, they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension Fund shall vest in and be administered by the Board in such manner as may be specified in the Pension Scheme.

(5) A scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the Second Schedule.”.

6. *Substitution of new section for section 4.*— For section 4 of the principal Act, the following section shall be substituted, namely:—

“4. *Fund to be recognised under Act 43 of 1961.*— For the purposes of the Income-tax Act, 1961, the Fund shall be deemed to be a recognised Provident Fund within the meaning of Part A of the Fourth Schedule to that Act.”.

7. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (2B),—

(a) for the words and figures “the Code of Criminal Procedure, 1898”, the words and figures “the 5 of 1898. Code of Criminal Procedure, 1973” shall be substituted;

(b) for the word and figures “section 98”, the word and figures “section 94” shall be substituted.

8. *Amendment of section 11.*— In section 11 of the principal Act, for the words and figures “section 230 of the Indian Companies Act, 1913”, the words and figures “section 530 of the Companies Act, 1956” shall be substituted.

9. *Substitution of new Schedule for the Second Schedule.*— For the Second Schedule to the principal Act, the following Schedule shall be substituted, namely:—

“THE SECOND SCHEDULE

[See section 3E(5)]

Matters to be provided for in the Coal Mines Pension Scheme

1. The employees or class of employees to whom the Coal Mines Pension Scheme shall apply and the time within which option to join that Scheme shall be exercised by those employees to whom the said Scheme does not apply.

2. The time within which the employees who are not members of the Family Pension Scheme under section 3E as it stood before the commencement of the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Act, 1996 (hereinafter, in this Schedule, referred to as the amending Act) shall opt for the Pension Scheme.

3. The portion of employer's contribution and employees' contribution to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.

4. The Central Government's contribution and other contributions to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.

5. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service under section 3E as it stood before the commencement of the amending Act.

6. The regulation of the period of service for which no contribution is received.

7. The manner in which employees' interest will be protected against default in payment of contribution by the employer.

8. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government.

9. The form in which an employee shall furnish particulars about himself and the members of the family whenever required.

10. The forms, registers and records to be maintained in respect of employees required for the administration of the Pension Scheme.

11. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees, the amount of life assurance payable under the Pension Scheme and the manner of such payment.

12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

13. The manner in which the expenses incurred in connection with the administration of the Pension Scheme may be paid by the Central Government to the Board.

14. Nomination of persons for receiving pension and assurance amounts in the case of death of an employee.

15. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme.”

10. *Repeal and saving.*— (1) The Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Ord. Third Ordinance, 1996 is hereby repealed. 22 of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Notification

10/5/96/LA-Vol. II

The Apprentices (Amendment) Act, 1996 (Central Act 4 of 1997) which has been passed by the Parliament and assented to by the President of India on 8th January, 1997 and published in the Gazette of India, Extraordinary, Part II, Section I dated 8th January, 1997 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 8th May, 1997.

THE APPRENTICES (AMENDMENT) ACT, 1996

AN

ACT

further to amend the Apprentices Act, 1961.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Apprentices (Amendment) Act, 1996.

2. *Amendment of section 2.*— In the Apprentices Act, 1961 (hereinafter referred to as the principal Act), 52 of 1961, in section 2,—

(i) in clause (g), the following shall be added at the end, namely:—

“and where an establishment consists of different departments or have branches, whether situated in the same place or at different places, all such departments or branches shall be treated as part of that establishment”;

(ii) after clause (q), the following clause shall be inserted, namely:—

“(r) “worker” means any person who is employed for wages in any kind of work and who gets his wages directly from the employer but shall not include an apprentice referred to in clause (aa).”

3. *Amendment of section 7.*— In section 7 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in any other provision of this Act, where a contract of apprenticeship has been terminated by other Apprenticeship Adviser before the expiry of the period of apprenticeship training and a new contract of apprenticeship is being entered into with a new employer, the Apprenticeship Adviser may, if he is satisfied that the contract of apprenticeship with the previous employer could not be completed because of any lapse on the part of the previous employer, permit the period of apprenticeship training already undergone by the apprentice with his previous employer to be included in the period of apprenticeship training to be undertaken with the new employer.”

4. *Amendment of section 8.*— In section 8 of the principal Act, in sub-section (3), after the first proviso, the following proviso shall be added, namely:—

“Provided further that the Apprenticeship Adviser may, on a representation made to him by an employer and keeping in view the more realistic employment potential, training facilities and other relevant factors, permit him to engage such number of apprentices for a designated trade as is lesser than the number arrived at by the ratio for that trade, not being lesser than twenty per cent. of the number so arrived at, subject to the condition that the employer shall engage apprentices in other trades in excess in number equivalent to such shortfall.”

5. *Amendment of section 9.*— In section 9 of the principal Act, in sub-section (8),—

(i) in clause (a), for the words “practical training, including basic training,” the words “basic training” shall be substituted;

(ii) in sub-clause (i), for the words “five hundred”, the words “two hundred and fifty” shall be substituted;

(iii) in sub-clause (ii), for the words “five hundred”, the words “two hundred and fifty” shall be substituted.

6. *Amendment of section 11.*— In section 11 of the principal Act,—

(i) in clause (b), the word “and”, occurring at the end, shall be omitted;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(bb) to provide adequate instructional staff, possessing such qualifications as may be prescribed, for imparting practical and theoretical training and facilities for trade test of apprentices; and”.

7. *Amendment of section 31.*— In section 31 of the principal Act, for the words “which may extend to five hundred rupees”, the words “which shall not be less than one thousand rupees but may extend to three thousand rupees” shall be substituted.

8. *Amendment of section 33.*— In section 33 of the principal Act, after the words “Apprenticeship Adviser”, the words “or the officer of the rank of Deputy Apprenticeship Adviser and above” shall be inserted.

Department of Panchayat Raj and Community Development

Directorate of Panchayats

Notification

18/DP/PAN/CCRD/97

The following draft model regulations which the Government proposes to make under section 244 of the Goa Panchayati Raj Act, 1994 (Goa Act No. 14 of 1994), are hereby pre-published as required by sub-section (1) of section 244 of the said Act, for information of the persons likely to be affected thereby and notice is hereby given that the said draft regulations shall be taken into consideration by the Government on expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft model regulations may be forwarded to the Director of Panchayats and Ex-Officio Joint Secretary to the Government of Goa, 3rd lift, 3rd floor, Junta House, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

DRAFT REGULATIONS

In exercise of the powers conferred by sub-section (1) of section 244 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), the Government of Goa hereby makes the following model regulations, namely:—

1. *Short title and commencement.*—(1) These regulations may be called the Goa Panchayats (Inspection, Copies and Search of Records) (Model) Regulations, 1997.

(2) They shall come into force at once.

2. *Definitions.*— In these Regulations, unless the context otherwise requires:—

(a) "Document" means any document forming part of the records of a Panchayat and includes all files, Letters, bills, vouchers, registers, receipts etc.

(b) "Record of a Panchayat" means the records pertaining to the affairs of a Panchayat, whether or not maintained in the office of the Panchayat, but do not include documents of confidential nature and official correspondence containing views and opinions of the Government Officers, and records pertaining to suits and cases of a Panchayat.

3. All documents, records and registers of the Village Panchayat shall be in the custody of the village Panchayat Secretary who shall be responsible for safe custody of the same.

4. *Inspection of records.*—(1) Inspection of the records of a Panchayat may be had in the office of the Panchayat on any working day during office hours.

(2) Any document or records of a Panchayat may be inspected by any person on written request thereto addressed to the Secretary of the Panchayat.

(3) On the appointed day and time the record may be inspected on payment of the inspection fee specified in regulation (8) below.

(4) Every member of Panchayat shall have right to inspect any document or record of Panchayat free of cost on demand and the Secretary shall help him to do so. If the member is unable to inspect, the secretary shall fix a particular day and suitable time in a week so as to enable the member to inspect the document or record of the Panchayat.

5. *Certified copies of documents.*—(1) Any person desiring to obtain a certified copy of or extract from any document, he shall make an application to the Secretary of the Panchayat in that behalf. The application shall state with clear description the nature of the document, the number and date and shall be accompanied by the fee specified in regulations (8) below.

Provided that a person employed by a Panchayat who has been fined, reduced, suspended, or dismissed or otherwise punished by the Panchayat shall receive a certified copy of every order passed against him without payment of any such fees.

(2) On receipt of application, the Secretary of the Panchayat may cause the copy or extract, as the case may be, to be made and compared with the original, and after the Secretary is convinced that copy is the extract replica of the original, he shall certify the same to be a true copy and endorse his signature thereon, and affix thereto the seal of the Panchayat and deliver it to the applicant.

6. *Search of documents.*— Where an application for inspection of any document or for the copy thereof or for extract therefrom is made, and the application does not clearly describe the nature of the document by its number, date and the description given in the application is inadequate, and consequently the records of the Panchayat have to be searched to locate the documents, there shall be charged for such search a fee specified in regulation (8) irrespective of the fact whether or not inspection or copy of the document or of extract therefrom for which the application was made, was granted.

7. *Supply of copies.*— The copies referred to in these rules shall be supplied within 7 days from the date of receipt of application thereof from the applicant.

8. *Fees.*— There shall be levied fees at the rates specified in column (2) of the Table hereto, on the documents mentioned in the corresponding entry in column (1) thereof.

TABLE

1	2
1. For an inspection of record under rule 4, or for each day on which inspection is made	Rs. 5/- for the first hour and Rs. 2/- for any subsequent hour or fraction thereof.
2. For every certified copy of a document or an extract therefrom under rule 5.	
a) if the original is in English or Konkani or Marathi or Hindi, for every twenty five words or fraction thereof.	Rs. 2/-.

1	2
b) if the original is in Konkani or English or Marathi or Hindi, in tabular form, for every twenty five words or fraction thereof.	Rs. 3/-.
c) for examining or comparing hundred words or fraction of hundred words whether the original is in English or Marathi or Hindi or Konkani.	Rs. 2/-.
3. For every search required to be made regulation ()	Rs. 5/- for each year of which the records are searched.

9. *Receipt*.— An official receipt in Form No. 4 as prescribed under the Goa Panchayats (Accounts, Audit and Custody of Funds), Rules, 1996 shall be given to the person from whom fee is received.

10. These regulations shall mutatis mutandis apply to the Goa Zilla Panchayats and the words "Village Panchayat" and "Secretary" wherever they appear shall be construed as "Zilla Panchayat" and "Chief Executive Officer" respectively.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 28th May, 1997.

Department of Public Health

Office of the Dean, Goa Medical College

Form No. 5

Goa Public Service Commission

Form for referring proposals on AMENDMENTS IN RECRUITMENT RULES

1. Designation of the post.	Lecturer Clinical/Non Clinical.
2. Name of the referring Department.	Goa Medical College, Bambolim.
3. Name of the Department in which posts is located.	Goa Medical College, Bambolim.
4. Reference number and date of the Commission's letter approving existing Recruitment Rules (Copy enclosed).	U. P. S. C. reference No. F. 3/29 (1)/13-R. R. dated 6/11/79 and 20/1/1981.

5. Proposed amendments:— (As follows)

Sr. No.	Col. No. in the R/Rules Schedule	Existing provision	Proposed Amendment
1	2	3	4
1.	Col. 2 of Schedule V of Goa Medical Education Service Rule's 1979.	Lecturer	Lecturer:- A-Clinical B-Pre & Para Clinical.
2.	Col. 2 of Schedule III of Goa Medical Education Service Rules 1979.	Lecturer	Lecturer:- A-Clinical B-Pre & Para Clinical.
3.	Col. 3	By direct Recruitment	A-By direct recruitment in case of clinical Departments B-By promotion failing which by direct recruitment in case of Non-clinical Departments.
4.	Col. 4	—	Promotion :- Asst. Lect. /Demonstrator having Post-graduate qualification in the concerned speciality and 3 years teaching experience thereupon after possessing the P. G. Qualification in the speciality concerned.
6. Furnish reasons for changing the existing provisions serial numberwise as shown in item 5.		To provide promotional avenue to the incumbents in the feeder posts.	

(Note:- For each designation use separate form.)

W. K. Belokar, Ex-Officio Addl. Secretary to the Government.

Bambolim, 3rd April, 1997.